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ACTS OF 1910.

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1910

G.E.H. May 13, 1911

MASSACHUSETTS SCHOOL LEGISLATION FOR 1910.

Chapter 113.

AN ACT TO INCORPORATE THE TRUSTEES OF MASSACHUSETTS COLLEGE.

SECTION 1. Edmund D. Barbour, George H. Martin, William Orr, Paul H. Hanus, Thomas A. Jaggar, Junior, Stratton D. Brooks and Courtenay Crocker, their associates and successors, are hereby constituted a body corporate by the name of the Trustees of Massachusetts College, and they and their successors and such persons as shall be duly elected members of the corporation shall be a body corporate by that name forever. Said trustees, except as provided in section seven, shall be self-perpetuating and shall have power, as occasion may require, to elect a president, a treasurer, a secretary and such other officers of the corporation as may be found necessary, and to declare the duties, salaries and tenures of their respective offices, and also to remove any trustee from the said corporation when in their judgment he becomes incapable of discharging the duties of his office, or shall neglect or refuse to perform the same, and also to elect new members of said corporation in case of death, resignation or disability. The number of members shall be not less than seven nor more than nine.

SECTION 2. The said corporation shall have power to establish rules for the holding and conduct of its meetings; to establish boards of instruction in all departments of learning, science and the arts; to engage the services of such professors, tutors, instructors, clerks and other officers and employees as they shall deem best, and to determine the duties, remuneration and tenures of their respective offices and employments. Said corporation is further empowered from time to time to make reasonable rules and regulations, not repugnant to the constitution and laws of this commonwealth, with reasonable penalties, for the good government of said college; to determine and regulate the course of instruction in said college; and to confer the degrees of bachelor of arts and master of arts and the certificates and diplomas appertaining thereto.

SECTION 3. The said corporation may sue and be sued by the

name of the Trustees of Massachusetts College, and may take and hold, in fee simple or otherwise, by gift, grant, devise, bequest, purchase or otherwise, any real or personal estate or interest therein within or without this commonwealth; but no property situated within this commonwealth owned by said corporation in excess of three million dollars shall be exempted from taxation as belonging to an educational institution.

SECTION 4. The clear rents and profits of all the real estate of which the said corporation shall be seized and possessed, and all other income, shall be used for education along the lines and in the manner which said corporation shall determine will best promote good citizenship within the commonwealth.

SECTION 5. No instructor in said college shall ever be required by the trustees to profess any particular religious or political opinions as a test of office; and no student shall be refused admission to, or denied any of the privileges, honors or degrees of, said college, on account of the religious or political opinions which he may entertain.

SECTION 6. Said corporation is hereby empowered to purchase, hire, erect and keep in repair such houses and other buildings as it shall deem necessary for the best interests of said college, but especially it is hereby empowered, with the consent of the city or town officials or committees having them in charge, to use the school or other public buildings of any cities and towns within the commonwealth, or, with the consent of the state board of education, to use normal or other schoolhouses owned or controlled by the commonwealth, for the purposes for which it is incorporated, and under such regulations as may be fixed by said officials and committees or by the state board of education.

SECTION 7. The state board of education shall choose one of the trustees of Massachusetts College, who shall serve for such term as said board shall determine, and may be removed only by approval of said board.

SECTION 8. There shall be a board of advisers, consisting, with their consent, of the president, or his representative, of each of the following named institutions:—Harvard, Boston and Clark Universities, Amherst, Boston, Clark, Massachusetts Agricultural, Mount Holyoke, Holy Cross, Radcliffe, Simmons, Smith, Tufts, Wellesley and Williams Colleges, Massachusetts Institute of Technology and Worcester Polytechnic Institute, and such other persons as the trustees may appoint. The duty of inspection shall devolve upon this board, and its recommendations shall be acted on by the

board of trustees. Givers of fifty thousand dollars or more for the purposes of the college shall be called Founders.

SECTION 9. A committee on degrees, each member of which shall serve for five years, consisting of five persons prominently identified with higher education, who are wholly unconnected with any teaching or governing board of Massachusetts College, shall be appointed by those presidents of educational institutions or their representatives, not less than nine in number, who are members of the board of advisers. The first committee, however, shall consist of members who shall serve one, two, three, four and five years respectively. This committee shall be approved annually by the state board of education. This committee shall approve the requirements for admission and the number and quality of the courses required for the degrees conferred by Massachusetts College, and shall, by examination or otherwise, determine the fitness of all candidates for degrees in accordance with current college standards. No degree shall be conferred without the signature of the chairman of this committee.

SECTION 10. This act shall take effect when the sum of five hundred thousand dollars has been subscribed by *bona fide* and responsible donors, to the satisfaction of the governor and council. [*Approved February 28, 1910.*]

Chapter 201.

AN ACT RELATIVE TO MILITARY DRILL IN PUBLIC SCHOOLS.

SECTION 1. Section thirty-four of chapter forty-two of the Revised Laws is hereby amended by striking out the last sentence in said section and inserting in place thereof the following:—No pupil shall be required to take part in any military exercise if his parent or guardian is of the religious denomination of Quakers or Shakers or of any other religious denomination conscientiously opposed to bearing arms, or if said parent or guardian is himself conscientiously scrupulous of bearing arms, and so notifies the school committee in writing; or if a physician of good standing shall certify in writing that in his opinion such exercise would be injurious to the pupil's health,—so as to read as follows:—*Section 34.* The school committee shall direct what books shall be used in the public schools, and shall prescribe, as far as is practicable, a course of studies and exercises to be pursued therein. Such exercises may, at the discretion of the committee, include

calisthenics, gymnastics and military drill; but no special instructors shall be employed therefor except by a two thirds vote of the committee. No pupil shall be required to take part in any military exercise if his parent or guardian is of the religious denomination of Quakers or Shakers or of any other religious denomination conscientiously opposed to bearing arms, or if said parent or guardian is himself conscientiously scrupulous of bearing arms, and so notifies the school committee in writing; or if a physician of good standing shall certify in writing that in his opinion such exercise would be injurious to the pupil's health.

SECTION 2. This act shall take effect upon its passage. [*Approved March 11, 1910.*]

Chapter 249.

AN ACT RELATIVE TO THE FORGING OF BIRTH CERTIFICATES.

Section sixty-one of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine is hereby amended by adding at the end thereof the words: — and whoever forges, or procures to be forged, or assists in forging a certificate of birth of such minor, and whoever presents or assists in presenting a forged certificate of birth, to a school committee or to the person authorized by law to receive certificates, for the purpose of fraudulently obtaining the school certificate mentioned in section sixty, shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment for not less than three months nor more than one year, or by both such fine and imprisonment, — so as to read as follows: — *Section 61.* Whoever employs a minor under the age of sixteen years, and whoever procures or, having under his control a minor under such age, permits, such minor to be employed in violation of the provisions of sections fifty-six and fifty-seven of this act, shall for each offence be punished by a fine of not more than three hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment; and whoever continues to employ a minor in violation of the provisions of either of said sections, after being notified thereof by a truant officer or by an inspector of factories and public buildings, shall for every day thereafter while such employment continues be punished by a fine of not less than twenty nor more than one hundred dollars, or by imprisonment for not more than six months; and whoever forges, or procures to be forged, or assists in forging a certificate of birth of such minor, and whoever presents or assists in presenting a forged

certificate of birth, to a school committee or to the person authorized by law to receive certificates, for the purpose of fraudulently obtaining the school certificate mentioned in section sixty, shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment for not less than three months nor more than one year, or by both such fine and imprisonment. [*Approved March 18, 1910.*]

Chapter 257.

AN ACT TO PROVIDE FOR MEDICAL INSPECTION OF WORKING CHILDREN BETWEEN THE AGES OF FOURTEEN AND SIXTEEN.

SECTION 1. Section one of chapter five hundred and two of the acts of the year nineteen hundred and six is hereby amended by inserting after the word "act", in the sixth line, the words: — and shall assign one or more to perform the duty of examining children who apply for health certificates in accordance with this act, — so as to read as follows: — *Section 1.* The school committee of every city and town in the commonwealth shall appoint one or more school physicians, shall assign one to each public school within its city or town, and shall provide them with all proper facilities for the performance of their duties as prescribed in this act; and shall assign one or more to perform the duty of examining children who apply for health certificates in accordance with this act: *provided, however,* that in cities wherein the board of health is already maintaining or shall hereafter maintain substantially such medical inspection as this act requires, the board of health shall appoint and assign the school physician.

SECTION 2. Section two of said chapter five hundred and two is hereby amended by adding at the end thereof the words: — Every school physician who is assigned to perform the duty of examining children who apply for health certificates shall make a prompt examination of every child who wishes to obtain an age and schooling certificate, as provided in section sixty of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine, and who presents to said physician an employment ticket, as provided in said section, and the physician shall certify in writing whether or not in his opinion such child is in sufficiently sound health and physically able to perform the work which the child intends to do, — so as to read as follows: — *Section 2.* Every school physician shall make a prompt examination and diagnosis of all children re-

ferred to him as hereinafter provided, and such further examination of teachers, janitors and school buildings as in his opinion the protection of the health of the pupils may require. Every school physician who is assigned to perform the duty of examining children who apply for health certificates shall make a prompt examination of every child who wishes to obtain an age and schooling certificate, as provided in section sixty of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine, and who presents to said physician an employment ticket, as provided in said section, and the physician shall certify in writing whether or not in his opinion such child is in sufficiently sound health and physically able to perform the work which the child intends to do.

SECTION 3. Section fifty-eight of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine is hereby amended by inserting after the word "language", in the twelfth and thirteenth lines, the words:—nor until such person has received a certificate signed by a physician, as provided in chapter five hundred and two of the acts of the year nineteen hundred and six and acts passed in amendment thereof, or by a physician appointed by the school committee, stating that said minor has been examined by him and in his opinion is in sufficiently sound health and physically able to perform the work which the minor intends to do: *provided, however*, that the age and schooling certificate may be approved and issued without a physician's certificate if there shall be on file in connection with the public schools a written record in regard to the child's physical condition made within one year and the person authorized to approve said age and schooling certificate after having examined such record shall certify that in his opinion said minor is in sufficiently sound health and physically able to perform the work which the minor intends to do, — so as to read as follows:—*Section 58.* An age and schooling certificate shall be approved only by the superintendent of schools or by a person authorized by him in writing, or, if there is no superintendent of schools, by a person authorized by the school committee; but no member of a school committee or other person authorized as aforesaid shall approve such certificate for any minor then in or about to enter his own employment or the employment of a firm or corporation of which he is a member, officer or employee. No such certificate shall be approved by any person unless he is satisfied that the minor therein named is able to read at sight and to write legibly simple sentences in the English language, nor until such person has received a certificate signed by a physician, as provided in chapter

five hundred and two of the acts of the year nineteen hundred and six and acts passed in amendment thereof, or by a physician appointed by the school committee, stating that said minor has been examined by him and in his opinion is in sufficiently sound health and physically able to perform the work which the minor intends to do: *provided, however*, that the age and schooling certificate may be approved and issued without a physician's certificate if there shall be on file in connection with the public schools a written record in regard to the child's physical condition made within one year and the person authorized to approve said age and schooling certificate after having examined such record shall certify that in his opinion said minor is in sufficiently sound health and physically able to perform the work which the minor intends to do. The person who approves the certificate may administer the oath provided for therein, but no fee shall be charged therefor.

SECTION 4. The age and schooling certificate set forth in section sixty of said chapter five hundred and fourteen is hereby amended by inserting after the word "language", in the thirty-eighth line, the words: — I further certify that in my opinion (or in the opinion of the physician by whom said minor has been examined in accordance with section fifty-eight of the above chapter) he (or she) is in sufficiently sound health and physically able to perform the work which he (or she) intends to do, — so that the said certificate will read as follows: —

AGE AND SCHOOLING CERTIFICATE, ST. 1909, C. , § .

This certifies that I am the [father, mother, guardian or custodian] of [name of minor], and that [he or she] was born at [name of city or town], in the county of [name of county, if known], and state [or country] of , on the [day and year of birth], and is now [number of years and months] old.

[Signature of father, mother, guardian, or custodian.]

[City or town and date.]

Then personally appeared before me the above named [name of person signing], and made oath that the foregoing certificate by [him or her] signed is true to the best of [his or her] knowledge and belief. I hereby approve the foregoing certificate of [name of minor], height [feet and inches], complexion [fair or dark], hair [color], having no sufficient reason to doubt that [he or she] is of the age therein certified. I hereby certify and am satisfied that [he or she] can read at sight and can write legibly simple sentences in the English language. I further certify that in my opinion [or in

the opinion of _____, the physician by whom said minor has been examined in accordance with section fifty-eight of the above chapter] he [or she] is in sufficiently sound health and physically able to perform the work which he [or she] intends to do.

This certificate belongs to [name of minor in whose behalf it is drawn], and is to be surrendered to [him or her] whenever [he or she] leaves the service of the corporation or employer holding the same; but if not claimed by said minor within thirty days after such time, it shall be returned to the superintendent of schools, or, if there is no superintendent of schools, to the school committee.

[Signature of person authorized to approve and sign,
with official character or authority.]

[City or town and date.]

In the case of a minor who cannot read at sight and write legibly simple sentences in the English language, the certificate shall continue as follows, after the word "language":—

I hereby certify that [he or she] is regularly attending the [name] _____ public evening school. This certificate shall continue in force only so long as the regular attendance of said minor at the evening school is endorsed weekly by a teacher thereof.

SECTION 5. This act shall take effect on the first day of August in the year nineteen hundred and ten. [*Approved March 19, 1910.*]

Chapter 282.

AN ACT RELATIVE TO THE APPOINTEES OF THE BOARD OF EDUCATION.

SECTION 1. Chapter four hundred and fifty-seven of the acts of the year nineteen hundred and nine is hereby amended by striking out section three and inserting in place thereof the following:—

Section 3. The board shall appoint a commissioner of education, whose term of office shall be five years, and may fix his salary at such sum as the governor and council shall approve. Said commissioner may at any time be removed from office by a vote of six members of the board. He shall exercise all the powers and be subject to all the duties now conferred or imposed by law on the secretary of the board of education. He shall be the executive officer of the board, shall have supervision of all educational work supported in whole or in part by the commonwealth, and shall report thereon to the board. He shall be allowed for travelling expenses a sum not exceeding fifteen hundred dollars per annum. The board shall also appoint two deputy commissioners, at equal

salaries, one of whom shall be especially qualified to deal with industrial education. The powers, duties, salaries and terms of office of said deputy commissioners shall be such as may be established from time to time by the board, but the board may, by a vote of six members thereof, remove from office at any time either of said deputy commissioners. The total expense for salaries incurred under this section, together with the salaries of such other assistants or agents, and the cost of such clerical and messenger service as may be necessary, shall not exceed forty thousand dollars annually. The board may be allowed for rent, travelling and other necessary expenses of the commissioner, the deputies, agents, and of the board, incurred in the performance of their official duties, such sum as shall be appropriated by the general court annually, payable out of the treasury of the commonwealth.

SECTION 2. This act shall take effect upon its passage. [*Approved March 25, 1910.*]

Chapter 419.

AN ACT RELATIVE TO THE LICENSING OF MINORS TO ENGAGE IN CERTAIN OCCUPATIONS IN CITIES.

Section seventeen of chapter sixty-five of the Revised Laws, as amended by chapter five hundred and thirty-one of the acts of the year nineteen hundred and two, and by chapter one hundred and fifty-one of the acts of the year nineteen hundred and six, is hereby further amended by adding the following sentences at the end of said section:—Any person who, having a minor under his control, knowingly permits him to violate the provisions of this act, and any person who procures or employs a minor to violate the provisions of this act, and any person who either for himself or as agent of any other person or of any corporation knowingly furnishes or sells to any minor any of the articles above referred to with knowledge that said minor intends to sell said articles in violation of the provisions of this act, and after having received written notice from the school committee that the minor is unlicensed, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months. Truant and police officers shall enforce the provisions of this chapter, — so as to read as follows:—*Section 17.* The mayor and aldermen or selectmen may make regulations relative to the exercise of the trade of boot-blackening by minors and to the sale by minors of any goods, wares or merchandise the sale of which is permitted by section fifteen, and may

prohibit such sales or such trade, or may require a minor to obtain from them a license therefor to be issued on terms and conditions prescribed in such regulations: *provided*, that in the case of persons under the age of fourteen years in the cities of the commonwealth the foregoing powers shall be vested in and exercised by the school committees of said cities. A minor who sells such articles or exercises such trade without a license if one is required or who violates the conditions of his license or any of the provisions of said regulations shall be punished by a fine of not more than ten dollars for each offence. Any person who, having a minor under his control, knowingly permits him to violate the provisions of this act, and any person who procures or employs a minor to violate the provisions of this act, and any person who either for himself or as agent of any other person or of any corporation knowingly furnishes or sells to any minor any of the articles above referred to with knowledge that said minor intends to sell said articles in violation of the provisions of this act, and after having received written notice from the school committee that the minor is unlicensed, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months. Truant and police officers shall enforce the provisions of this chapter. [Approved April 21, 1910.]

Chapter 524.

AN ACT TO PROVIDE FOR COMPULSORY INSTRUCTION IN THRIFT IN THE PUBLIC SCHOOLS.

Section one of chapter forty-two of the Revised Laws, relating to the subjects that shall be taught in the public schools, as amended by chapter one hundred and eighty-one of the acts of the year nineteen hundred and eight, is hereby further amended by inserting after the word "ethics", in the twenty-fourth line, the word:—thrift. [Approved May 13, 1910.]

Chapter 532.

AN ACT RELATIVE TO THE ADMISSION OF CHILDREN UNDER FOURTEEN YEARS OF AGE TO PLACES OF AMUSEMENT.

Section one hundred and eighty-four of chapter one hundred and two of the Revised Laws, as amended by chapter one hundred and

seven of the acts of the year nineteen hundred and six, and by chapter three hundred and fifty-five of the acts of the year nineteen hundred and seven, is hereby further amended by striking out the last sentence, and inserting in the place thereof the following sentence:—The provisions of this section shall not apply to shows or entertainments which take place before six o'clock in the afternoon and during the hours that the school of which the child attending such show or entertainment is a pupil is not in session. It shall be prima facie evidence that such school is in session if the public schools are in session in the city or town in which said show or entertainment shall take place,—so as to read as follows:—*Section 184.* Whoever, himself or by his servant or agent, admits a child under the age of fourteen years to any licensed show or place of amusement unless such child is accompanied by a person above the age of twenty-one years, shall, on complaint of a parent or guardian of the child or of any police officer or of a truant officer of the city or town in which the child is so admitted, be punished by a fine of not more than one hundred dollars; but he shall not be liable to said fine if a child apparently fourteen years of age has obtained admission by any written misrepresentation or by any unauthorized entrance to said place of amusement, or has entered with and apparently in the company of a person above the age of twenty-one years but does not remain with such person, provided the person in charge of said place of amusement shall remove such child immediately from said place of amusement upon knowledge of the fact that the child is under fourteen years of age and not then accompanied by a person above the age of twenty-one years. The provisions of this section shall not apply to shows or entertainments which take place before six o'clock in the afternoon and during the hours that the school of which the child attending such show or entertainment is a pupil is not in session. It shall be prima facie evidence that such school is in session if the public schools are in session in the city or town in which said show or entertainment shall take place. [*Approved May 18, 1910.*]

Chapter 65.

RESOLVE TO PROVIDE FOR TUBERCULOSIS EXHIBITS FOR USE IN THE
PUBLIC SCHOOLS.

Resolved, That the sum of one thousand dollars be allowed and paid out of the treasury of the commonwealth, to be expended under

the supervision of the Massachusetts commission on hospitals for consumptives, for the formation of small travelling school tuberculosis exhibits to be used in the public schools throughout the state for purposes of instruction in hygiene and the prevention of tuberculosis. [*Approved April 13, 1910.*]

Chapter 108.

RESOLVE TO PROVIDE FOR AN INVESTIGATION OF THE PRACTICABILITY AND DESIRABILITY OF ESTABLISHING A FARM SCHOOL IN THE CITY OF WORCESTER.

Resolved, That the state board of education shall investigate the practicability and desirability of establishing a farm school in the city of Worcester in which instruction may be given, free, in the raising of fruits, vegetables, flowers, grains, plants and trees, and in the care of domestic animals, and in which similar instruction suitable to their years may be given to children. The board shall report in print to the general court, with such recommendations as it may deem proper, not later than January fifth, nineteen hundred and eleven. [*Approved May 28, 1910.*]

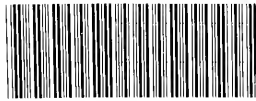
Chapter 133.

RESOLVE TO PROVIDE FOR AN INVESTIGATION AND REPORT RELATIVE TO THE ESTABLISHMENT OF A SYSTEM OF AGRICULTURAL SCHOOLS.

Resolved, That the board of education is hereby authorized and directed to investigate the advisability of establishing a system of agricultural schools throughout the commonwealth, and to report the result of its investigation with its recommendations to the next general court not later than the second Wednesday in January, nineteen hundred and eleven. [*Approved June 10, 1910.*]



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